

HOUSE BILL 3023  
By Maddox

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 15, Part 2, to enact the "Child Rape  
Protection Act of 2006".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by  
adding the following as a new section;

§ 39-15-210.

(a) This section shall be known and may be cited as the "Child Rape  
Protection Act of 2006".

(b) Any person who performs an abortion on a minor who was less than  
thirteen (13) years of age at the time of the abortion procedure shall preserve, in  
accordance with rules and regulations adopted by the attorney general and  
reporter pursuant to this section, fetal tissue extracted during such abortion. The  
physician shall submit such tissue to the Tennessee bureau of investigation or to  
a laboratory designated by the director of the Tennessee bureau of investigation.

(c) The attorney general shall adopt rules and regulations prescribing:

(1) The amount and type of fetal tissue to be preserved and  
submitted by a person pursuant to this section;

(2) Procedures for the proper preservation of such tissue for the  
purpose of DNA testing and examination;

(3) Procedures for documenting the chain of custody of such  
tissue for use as evidence in a court or other proceeding;

(4) Procedures for proper disposal of fetal tissue preserved pursuant to this section;

(5) A uniform reporting instrument mandated to be utilized by a person when submitting fetal tissue under this section, which shall include the name of the person submitting the fetal tissue and the name, complete address of residence, and name of the parent or legal guardian of the minor upon whom the abortion was performed; and

(6) Procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.

(d) The knowing failure of a person to comply with any provision of this section or any rule or regulation adopted:

(1) Constitutes unprofessional conduct if the person performing the abortion is a physician licensed or certified under title 63, chapter 6 or 9.

(2) Is a Class A misdemeanor upon a first conviction; and

(3) Is a Class E felony upon a second or subsequent conviction.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.